

**AMENDMENT**  
**S/N 10/757,829**  
**GROUP ART 3729**

**REMARKS**

Applicants appreciate the courtesy shown by Examiners Nguyen and Tugbang in conducting a telephone interview with Applicants' representative Rong Yang on February 26, 2008. During the interview, the Examiners agreed that the specification provides sufficient support for "a lower sound velocity than a sound velocity of a vibration device" of claim 13. The Examiners also agreed that Tone et al. do not meet at least step (b) of claim 13 and indicated withdrawal of the anticipation rejection. Favorable reconsideration is requested in view of the above amendments and following remarks. Claim 13 has been editorially revised. Support for the revisions can be found at page 4, lines 21-24 of the specification, among other places. Claims 13, 17, 19 and 20-22 remain pending in the application.

**Claim Rejections – 35 USC § 112**

Claim 13 is rejected under 35 USC § 112, first paragraph, as failing to comply with the written description requirement. Applicants respectfully traverse the rejection. The rejection seems to question the written description support in the specification for the phrase "an acoustic matching member having a low sound velocity." Applicants note that page 4, lines 9-24 of the specification provides that the acoustic member should be a solid having a small density and a low velocity of sound (see, e.g., page 4, line 24 of the specification). Claim 13 has been revised editorially to characterize "an acoustic matching member having a low sound velocity" as "an acoustic matching member having a lower sound velocity than a sound velocity of a vibration device." Since the specification discussed in detail that the acoustic member in fact is to help reduce reflection when sound travels between the vibration device and an emission medium, the nature of the acoustic member having "a lower sound velocity" than that of the vibration device is clear in view of the discussion of the specification. Applicants respectfully submit that the specification fully supports the invention as claimed and the rejection should be withdrawn.

Claims 13, 17 and 19-22 are rejected under 35 USC § 112, second paragraph, as being indefinite. Applicants respectfully traverse the rejection. Claim 13 has been editorially revised to address the issue. Withdrawal of the rejection is respectfully requested.

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**Claim Rejections – 35 USC § 102**

Claims 13, 17, 19 and 20 are rejected under 35 USC 102(b) as being anticipated by Tone et al. (US 4,523,122). Applicants respectfully traverse this rejection. Claim 13 requires filling voids of a porous member with a fluid filling material to create the first layer and providing a surplus fluid filling material onto a surface of the porous member to create the second layer.

Tone et al. fail to teach filling voids of a porous member with a fluid filling material to create the first layer, as required by claim 13. Tone et al. discuss making an acoustic impedance-matching layer of a resin material having microspheres or microballons dispersed throughout. When heated, the low boiling hydrocarbon within the microspheres expands and, as a result, the density of the resin material decreases. Thus, Tone et al. do not fill voids with a fluid; Tone et al. simply have no voids but rather expansive microspheres. Even if the microspheres are considered to qualify as voids, there is no step of filling the voids to create the first layer. Moreover, as the Examiners agreed in the telephone interview, Tone et al. fail to teach the filling a fluid filling material into the voids . . . to create a first layer as required by claim 13. In fact, Tone et al. simply do not continue to create a second layer with the same fluid filling material administered onto the surface of the porous material. In addition, Fig. 12 of Tone et al. illustrates binding two dissimilar layers together to create the acoustic transducer. This is completely distinct from the method of claim 13, which requires the second layer being made of the same material as the filling material of the first layer.

For at least this reason, the invention of claim 13 is patentable over Tone et al. Claims 17, 19 and 20 depend from claim 13 and are patentable along with claim 13 and need not be separately distinguished at this time. Applicants are not conceding the relevance of the rejection to the remaining features of the rejected claims. Withdrawal of the rejection is respectfully requested.

**Claim Rejections – 35 USC § 103**

Claim 21 is rejected under 35 USC 103(a) as being unpatentable over Tone et al. in view of Niwa et al. (US 5,688,728). Applicants respectfully traverse this rejection. Claim 21 depends from claim 13 and is patentable over claim 13 for at least the same reasons discussed above

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regarding claims 13, 17 and 19-20. Niwa et al. do not remedy the deficiencies of Tone et al. Applicants are not conceding the relevance of the rejection to the remaining features of the rejected claim.

Claim 22 is rejected under 35 USC 103(a) as being unpatentable over Tone et al. in view of Brinker et al. (US 5,948,482). Applicants respectfully traverse this rejection. Claim 22 depends from claim 13 and is patentable over claim 13 for at least the same reasons discussed above regarding claims 13, 17 and 19-20. Brinker et al. do not remedy the deficiencies of Tone et al. Applicants are not conceding the relevance of the rejection to the remaining features of the rejected claim.

In view of the above, favorable reconsideration in the form of a notice of allowance is respectfully requested. Any questions regarding this communication can be directed to the undersigned attorney, Douglas P. Mueller, Reg. No. 30,300, at (612) 455-3804.




Respectfully submitted,

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By: \_\_\_\_\_

  
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